HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI
AND
HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

Writ Petition No.20191 of 2006

Between:

Sukeshkumar Vangeti

... Petitioner

And

The Government of Andhra Pradesh,
Represented by Principal Secretary,
Health, Medical and Family Welfare Department,
Hyderabad and others

... Respondents

:: ORDER::

Counsel for the Petitioner: Shri K. Venu Madhav

Counsel for Respondent No.1: None appeared

Counsel for Respondent No.2: None appeared

Counsel for Respondent No.3: Shri D. Nagarjuna Babu

Counsel for Respondent No.4: None appeared

Counsel for Respondent No.5: None appeared

Counsel for Respondent Nos.6 and 7: None appeared

April 12, 2007

Per G.S. Singhvi, CJ

Petitioner Suresh Kumar Vangeti, who appeared in EAMCET-2006, has filed this petition for issue of a mandamus to Dr. NTR University of Health Sciences, Vijayawada (respondent No.3) and the Convener, EAMCET-2006, Jawaharlal Nehru Technological University, Hyderabad (respondent No.5) to allot him seat in MBBS course for the academic year 2006-2007 under the quota reserved for Children of Armed Personnel (for short, 'CAP'). He has further prayed for quashing the reservation of the seats of CAP category for respondent No.6 – Ms.Akanksha Singh and respondent No.7 – S. Nirmal.

The petitioner claims that his father had served in Indian Air Force from 22-2-1978 to 28-2-1993 and got his name registered with District Sainik Welfare Board, Warangal and, as such, he falls in CAP category. He has further averred that even though respondent Nos.6 and 7 do not fall under CAP category, respondent Nos.3 and 5 have reserved two seats for them pursuant to interim orders passed in Writ Petition Nos.16305 of 2006 and 19150 of 2005 and, on that account, he has been deprived of the right to be admitted to MBBS course. The petitioner's case is that if the two seats had not been reserved for respondent Nos.6 and 7, he would have been admitted against one of those seats.

At the hearing, Shri D.V. Nagarjuna Babu, learned counsel for respondent No.3 brought to our notice that writ petitions filed by respondent Nos.6 and 7 were dismissed by the learned Single Judge and Writ Appeal Nos.2205 of 2005 and 952 of 2006 filed by them

were dismissed by the Division Bench vide judgments dated 10-10-2006 and 9-11-2006 respectively. He then submitted that in view of the judgments of the Supreme Court in **Medical Council of India v. Madhu Singh**[1] and **Mridul Dhar v. Union of India**[2], the petitioner cannot be given admission at this belated stage.

Shri K. Venumadhav, learned counsel for the petitioner fairly admitted that in view of the judgments of the Supreme Court in **Madhu Singh**'s case (supra) and **Mridul Dhar**'s case (supra), his client cannot be admitted in the MBBS course. He, however, lamented that due to interim orders passed by this Court, his client has been deprived of his legitimate right to get admission against one of the seats earmarked for CAP category. In reply, Shri D.V. Nagarjuna Babu pointed out that the petitioner's name was placed at Serial No.57 in the merit list whereas the name of respondent No.7 figured at Serial No.33 and submitted that even if two seats were not reserved for the private respondents, the petitioner could not have been admitted to the course and the seats would have been allocated to the candidates whose names figured between Serial Nos.34 to 56. This has not been controverted by Shri K. Venumadhav.

In view of the above, we hold that the relief in terms of the prayer made by the petitioner cannot be granted and the writ petition is liable to be dismissed. Ordered accordingly.

As a sequel to disposal of the writ petition as infructuous, WPMP No. 25518 of 2006 filed by the petitioner for interim relief is dismissed.

G.S. SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

April 12, 2007

svs

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[1] (2002) 7 SCC 258

[2] (2005) 2 SCC 65